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THM
Paper No. 11

In re application of
Jorge Alfonso et al.
Serial No. 09/527,291
Filed: March 17, 2000
For: PARTICLE FILLED RESINOUS PRODUCT
OF IMPROVED APPEARANCE

DECISION ON
PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed August 4, 2003, for failure to timely reply to the office action dated April 2, 2002 and the Non-Responsive Amendment Noticed mailed October 15, 2002.

DECISION

Since petitioner asserts that a timely response was filed, the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request has merit.

Applicants' assert that a response to the Office action dated April 2, 2002 was timely filed. This is not contested by the Office. The abandonment letter mailed June 17, 2003 indicates that it is the Letter of Non-Compliance mailed October 15, 2002 to which Applicant failed to timely respond. As no response to the Letter of Non-Compliance has been received, the holding of abandonment is deemed proper.

The Petition is **DENIED**.

The case will be returned to the File Depository.

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